



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, September 26, 2007

9:00 a.m.

City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of September 26, 2007. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda.
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak.
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record.
- After the public testimony, the applicant may make closing remarks of up to 5 minutes.
- The Hearing Officer may ask questions of the speaker.
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **TR07-202**. **Tree Removal Permit** request for three live eucalyptus trees measuring 91-, 70-, and 50-inches in circumference located on a 4.71 gross acre site in the A-Agricultural Zoning District, located on the north side of Hellyer Avenue, approximately 350 feet easterly of Sacramento Avenue (801 Hellyer Av) (The First Assembly Of God Church, Owner). Council District 7. CEQA: Exempt.
Deferred to.10/10/07.
(Project Manager: Sanhita Mallick)

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR07-230**. **Tree Removal Permit** to remove three (3) Ordinance-sized trees including: one (1) Monterey Pine tree approximately 88 inches in circumference; one (1) Coast Redwood tree measuring 56 inches in circumference; and one (1) Canary Island Pine tree approximately 75 inches in circumference located in the rear yard of a single-family residence on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 6716 Tannahill Drive (Marina and Sargon Isaac, Owners). Council District: 10. CEQA: Exempt.
(Project Manager: Licina McMorrow)
- b. **TR07-203**. **Tree Removal Permit** to allow removal of one Sycamore tree, 101 inches in circumference on a 0.13 gross acre site in the R-1-8(PD) Planned Development Zoning District, located at 4460 Calle De Farrar (Kevin L And Debbie L Cordano, Owners). Council District 9. CEQA: Exempt
(Project Manager: Suparna Saha)
- c. **TR07-241**. **Tree removal permit** to remove one Stone Pine Tree, 174 inches in circumference, from the front yard of an existing single-family residence in the R-1-5 Single-Family Residence Zoning District, located at the 6845 Lenwood Way (6845 Lenwood Wy.) (Manuel and Milagros Arredondo, Owners). Council District: 10. CEQA:

Exempt.

(Project Manager: Licina McMorrow)

- d. **TR07-222**. **Tree Removal Permit** to remove three Palm trees 96, 120, and 120 inches in circumference from the front yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the 2275 Wren Way (2275 WREN WY) (Robert Ramirez, Owner). Council District 1. CEQA: Exempt
(Project Manager: Reena Mathew)
- e. **TR07-153**. **Tree Removal Permit** to allow the removal of one Monterey Pine Tree (*Pinus radiata*), approximately 78 inches in circumference, located in the front yard of an existing single-family detached residential unit in the R-1-5 Single-Family Residence Zoning District, located at 6598 Crystal Springs Drive (Robert H. and Karen L. Bode, Owner). Council District 10. CEQA: Exempt
(Project Manager: Rachel Roberts)
- f. **TR07-220**. **Tree Removal Permit** to allow the removal of two Pine trees, approximately 80 and 90 inches in circumference from the front yard of an existing single family residential lot in the R-2 Two-Family Residence Zoning District, located at 1750 Lincoln Avenue (Gonzales Sherwin D, Owner). Council District: 6. CEQA: Exempt.
(Project Manager: Licina McMorrow)
- g. **TR07-216**. **Tree Removal Permit** to remove one Tree-of-Heaven tree, approximately 60 inches in circumference, from the rear yard of a single-family detached residence on a 0.07 gross acre site located on the east side of West Julian Street, approximately 610 feet east of The Alameda (1026 West Julian Street) in the CO - Commercial Office Zoning District, (Papadopoulos John And Mahi A Trustee & et al, Owner). Council District 6. CEQA: Exempt.
(Project Manager: Rebekah Ross)
- h. **PD07-057**. **Planned Development Permit** to install a 30 kw standby generator for wireless communication purposes on an existing church property on a 8.9 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of S. Winchester Blvd. at the eastern terminus of Fireside Drive (1201 S WINCHESTER BL) (Bethel Church Of Sanjose, Owner). Council District 1. SNI: Winchester. CEQA: Exempt.
(Project Manager: Suparna Saha)
- i. **SP07-061**. **Special Use Permit** to allow late night use at an existing eating establishment until 2:00 a.m. seven days per week on a 0.41 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southeast corner of Santa Clara Street and South 2nd Street (72 E Santa Clara ST) (Saratoga Capital Inc., Owner). Council District 3. SNI: None. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)
- j. **PD07-039**. **Planned Development Permit** to construct a 43,977 square foot commercial building on a 2.19 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of The Alameda and Stockton Avenue. (155 Stockton Av) (Alameda/Stockton LLC, Owner; Whole Foods Market California, Inc., Developer). Council District 6. SNI: None. CEQA: Re-use of Negative Declaration.
(Project Manager: Hadasa Lev)
- k. The projects being considered are located on the north side of Blackford Avenue approximately 200 feet east of Rebecca Way (3801 Blackford Avenue), in the A(PD) Planned Development Zoning District (Chui, David K Trustee & et al, Owner; Pan Cal

Corporation, Developer). Council District 1. SNI: None. CEQA: Reuse of Mitigated Negative Declaration.

- 1) **PD07-017**. **Planned Development Permit** to construct 20 single-family attached residences on a 0.97 gross acre site.
(Project Manager: Martina Davis)
 - 2) **PT07-011**. **Planned Tentative Map Permit** to subdivide one parcel into 21 lots for 20 single-family attached residential units on a 0.97 gross acre site
(Project Manager: Martina Davis).
- l. **TR07-245**. **Tree Removal Permit** to allow the removal of one Monterey Pine tree, approximately 69-inches in circumference, from the rear yard of an existing single-family detached residential lot in the R-1-5 Single-Family Residence Zoning District, located at 6609 Bose Lane (Bill Helms, Owner). Council District: 10. CEQA: Exempt.
(Project Manager: Avril Baty)
- m. **SP07-050**. **Special Use Permit** to demolish existing building/structures and create a 15" deep remediation hole on a 29.85 gross acres site, for property located in the (IP) Industrial Park, and (HI) Heavy Industrial Zoning Districts, located at/on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road and 1040 East Brokaw Road) (Markovits And Fox Inc, Owner; The Riding Group, Ton Quagilia, Developer). Council District 4. SNI: None. CEQA: Reuse of an existing Environmental Impact Report: Fox Property General Plan Amendment GP06-04-02, SCH#: 2006072020
(Project Manager: Rodrigo Orduna)
- n. **PD07-029**. **Planned Development Permit** to construct two detached and two attached single-family residences on a 0.26 gross acre site in the A(PD) Planned Development Zoning District, located at/on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.
Deferred From 9/12/07 and 9/19/07.
(Project Manager: Martina Davis)
- o. **PT07-026**. **Tentative Map application** to subdivide one lot into five lots for two attached and two detached single-family residences in the A(PD) Planned Development Zoning District, located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.
Deferred From 9/12/07 and 9/19/07.
(Project Manager: Martina Davis).

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The projects being considered are located at the terminus of Duckett Way, approximately 420 feet east of South De Anza Boulevard (1566 Duckett Way), in the A(PD) Planned Development Zoning District (Barry Swenson, Owner/Developer). Council District 1. SNI: None. CEQA: Use of Mitigated Negative Declaration.
- 1) **PD07-044**. **Planned Development Permit** to allow construction of 17 new single-family attached residential units, one new single-family detached residence, and preservation of one existing single family residence on a 1.82 gross acres site. The project includes demolition of existing outbuildings adjacent to the single-family residence which is to be preserved, and removal of three ordinance-sized trees (one deodar cedar, 27 inches in diameter, and two walnut trees, 18.5 inches and 18 inches in diameter).
(Project Manager: Reena Mathew)
- 2) **PT07-034**. **Planned Development Tentative Map Permit** to subdivide 1 parcel into 19 lots for single-family attached and detached residential uses and common and open space uses on a 1.82 gross acres site.
(Project Manager: Reena Mathew)
- b. **SF07-029**. **Single-family House Permit**, Type 2, to allow a first-and-second story addition containing 171 square feet to an existing single family residence listed on the Historic Inventory in the R-M Multiple Residence Zoning District, located at/on the west side of S. 11th Street approximately 250 feet south of E. Santa Clara Street (22 S 11TH ST) (Tiu Ramon Trustee & Et Al, Owner). Council District: 3. SNI: 13th Street, University. CEQA: Exempt.
(Project Manager: Licina McMorro) (Project Deferred from September 12,2007)
- c. **PD07-035**. **Planned Development Permit** request to allow late night (after midnight) entertainment and drinking establishment uses at an existing approximately 3,890 square-foot restaurant/bar (Rosie McCann's Irish Pub Restaurant) on a 1.40 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Santana Row and Olin Avenue (Federal Realty, Owner). Council District 6. SNI: None. CEQA: Exempt.
Deferred From 9/12/07 and 9/19/07
(Project Manager: Sanhita Mallick)

This concludes the Planning Director's Hearing for September 26, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
PUBLIC INFORMATION COUNTER
(408) 535-7800 CITY OF SAN JOSE